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Date of Deposit: - August 9, 2005

Type of Document(s): - Transmittal Form (PTO/SB/21)  
- Amendment and Response to Non-Final Office Action  
(17 pages)  
- Postcard Receipt

Application No.: - 10/037,085

Filed: - December 20, 2001

Applicant(s): - Kenneth M. MAXHAM

Title: - SYSTEM AND METHOD FOR SELECTING THE  
PLACEMENT OF OPTICAL AMPLIFIERS IN  
AN OPTICAL NETWORK


Examiner: - Christina Y. Leung

Art Unit: - 2633

Attorney Docket No.: - CIE-0063 (21216-05666)

Client Docket No.: - 10.0882 (4312)

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Barbara C. Brown  
Paralegal

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

18

Application Number

10/037,085

Filing Date

December 20, 2001

First Named Inventor

Kenneth M. MAXHAM

Art Unit

2633

Examiner Name

Christina Y. Leung

Attorney Docket Number

CIE-0063 (21216-05666)

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply (17 pages)



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Remarks

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Firm Name

Dougherty, Clements, Hofer, Bernard &amp; Walker

Signature



Printed name

Christopher L. Bernard

Date

August 9, 2005

Reg. No.

48,234

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Barbara C. Brown

Date

August 9, 2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	)	Kenneth M. MAXHAM
Application No.	)	10/037,085
Filing Date	)	December 20, 2001
Title	)	SYSTEM AND METHOD FOR SELECTING THE PLACEMENT OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK
Examiner	)	Christina Y. Leung
Art Unit	)	2633

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450 USA

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**AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Sir/Madam:

In response to the non-final Office Action mailed May 17, 2005, rejecting Claims 1-35 of the above-referenced Application, in which Claims 1-35 are pending, Applicant respectfully requests that the following amendments be entered and remarks be considered. In view of these amendments and remarks, Applicant submits that the Application is now in condition for allowance and respectfully requests such action.